UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,297	02/29/2000	Clark Adam Richter	411951-192	1909

7590   10/23/2002

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EXAMINER
NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment

by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-7, 9-19, 21-24, and 26-27 rejected under 35 U.S.C. 102(e) as being anticipated

by Reber et al. [US Patent 5 940 595].

Regarding claim 1, Reber discloses an RFID transponder comprising a memory space

adapted to store a plurality of data values therein, the memory space further comprising a

predetermined data field for storing an address identifying a location on a network corresponding

to said RFID transponder. [column 2, lines 13-27; column 6, lines 13-33]

Regarding claim 2, Reber discloses the RFID transponder of Claim 1, wherein said

address identifier further comprises a Uniform Resource Locator. [column 2, lines 42-50,

specifically lines 49-50; column 7, lines 15-52, specifically lines 33-40]

Regarding claim 3, Reber discloses the RFID transponder of Claim 1, wherein said network further comprises the Internet. [column 2, lines 10-27, specifically lines 25-27]

Regarding claim 4, Reber discloses the RFID transponder of Claim 1, wherein said address further comprises an e-mail address. [column 7, lines 40-52, specifically lines 46-47]

Regarding claim 5, Reber discloses a method for reading an RFID tag, comprising:

interrogating said RFID tag; [column 6, line 40-column 7, line 14, specifically column 6, line 67-column 7, line 3]

receiving information stored in memory of said RFID tag including an address identifying a location on a computer network corresponding to said RFID tag; and

communicating with said location identified by said address. [column 7, lines 15-52, specifically lines 23-40]

Regarding claim 6, Reber discloses the method of Claim 5, wherein said address further comprises a Uniform Resource Locator. [column 2, lines 42-50, specifically lines 49-50; column 7, lines 15-52, specifically lines 33-40]

Regarding claim 7, Reber discloses the method of Claim 5, wherein said location further comprises a website, and further comprising executing an application associated with said web site. [column 8, lines 8-50, specifically lines 26-50]

Regarding claim 9, Reber discloses the method of Claim 6, wherein said accessing step further comprises launching a browser application and loading said Uniform Resource Locator into an address field of said browser application. [column 8, lines 8-50, specifically lines 37-50]

Regarding claim 10, Reber discloses the method of Claim 7, wherein said accessing step further comprises accessing an HTML-encoded document from said web site. [column 7, lines 40-52, specifically lines 45-46]

Regarding claim 11, Reber discloses the method of Claim 5, wherein said address further comprises an e-mail address. [column 7, lines 40-52, specifically lines 46-47]

Regarding claim 12, Reber discloses the method of Claim 11, wherein said accessing step further comprises launching an e-mail client and communicating an e-mail message to a user having said e-mail address. [column 7, lines 40-52, specifically lines 46-47]

Regarding claim 13, Reber discloses a computer network comprising:

a client computer having an application program; [column 6, line 40-column 7, line 14, specifically column 6, line 61-column 7, line 8]

at least one RFID tag having a memory containing at least an address identifying a location on a computer network [column 2, lines 13-27; column 6, lines 13-33]; and

an RFID reader connected to said client computer and being adapted to communicate with said at least one RFID tag, said RFID reader providing said address recovered from said at least one RFID tag to said client computer, said client computer thereby communicating with said location corresponding to said at least one RFID tag through said application. [column 6, line 40-column 7, line 14, specifically column 6, line 67-column 7, line 3; column 7, lines 15-52, specifically lines 23-40]

Regarding claim 14, Reber discloses the computer network of Claim 13, wherein said RFID reader is integrated into a common device with said client computer. [column 6, line 47-column 7, line 14, specifically column 6, line 67-column 7, line 3]

Regarding claim 15, Reber discloses the computer network of Claim 13, further comprising a host server connected to said client computer, said host server being further connected to the Internet, said client computer thereby accessing said location site by operation of said application through said host server. [column 7, lines 40-52; column 8, lines 50-60]

Regarding claim 16, Reber discloses the computer network of Claim 15, wherein said host server is connected to said client computer through a wireless connection. [column 6, lines 48-60, specifically lines 51-53]

Regarding claim 17, Reber discloses the computer network of Claim 15, wherein said host server is connected to said client computer through a wired connection. [column 6, lines 48-60, specifically lines 48-51]

Regarding claim 18, Reber discloses the computer network of Claim 13, wherein said address further comprises a Uniform Resource Locator identifying a website. [column 2, lines 42-50, specifically lines 49-50; column 7, lines 15-52, specifically lines 33-40]

Regarding claim 19, Reber discloses the computer network of Claim 18, wherein said client computer accesses an HTML-encoded document from said website. [column 7, lines 40-52, specifically lines 45-46]

Regarding claim 21, Reber discloses the computer network of Claim 13, wherein said client computer further comprises a processor operable to execute program instructions, said program instructions including:

detecting said address stored in said memory of said at least one RFID tag; [column 6, line 40-column 7, line 14, specifically column 6, line 67-column 7, line 3; column 7, lines 15-52, specifically lines 23-40]

loading said address into an address field of said application; and accessing said location. [column 8, lines 8-50, specifically lines 37-50]

Regarding claim 22, Reber discloses the computer network of Claim 21, wherein said program instructions further comprise periodically transmitting an interrogating field to communicate with said at least one RFID tag. [column 6, line 47-column 7, line 14, specifically column 6, line 67-column 7, line 3; column 7, lines 23-29]

Regarding claim 23, Reber discloses the computer network of Claim 21, wherein said program instructions further comprise executing an application associated with said location. [column 8, lines 8-50, specifically lines 37-50]

Regarding claim 24, Reber discloses the computer network of Claim 21, wherein said program instruction of accessing said web site further comprises accessing an HTML-encoded document from said location. [column 7, lines 40-52, specifically lines 45-46]

Regarding claim 26, Reber discloses the computer network of Claim 13, wherein said address further comprises an e-mail address. [column 7, lines 40-52, specifically lines 46-47]

Regarding claim 27, Reber discloses the computer network of Claim 26, wherein said client computer communicates an e-mail message to said e-mail address. [column 7, lines 40-52, specifically lines 46-47]

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

5.   Claims 8, 20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reber et al. in view of Kenney et al. [US Patent 6 445 969 B1]

        Regarding claim 8, Reber discloses the method of Claim 7.

        Reber does not expressly discloses wherein said step of executing an application further

comprises executing a Java-applet associated with said web site, however, Reber does disclose

the step of executing an application as described above and said step involves accessing an

HTML document [column 7, lines 40-52, specifically lines 45-46].

        Kenney discloses wherein a Java-applet is embedded within an HTML document and

executed when the HTML document is accessed [column 34, lines 35-54]

        It would have been obvious to one skilled in the art at the time the invention was made to

use the method as described in Reber regarding claim 7 with the Java applet as described in

Kenney. The execution of a Java applet associated with a web site within a web browser is well

known and used in the art since Java advantageously allows for platform independent programs

to run on a web browser as noted in Kenney [column 34, lines 46-48]. Since Kenney discloses

that Java applets are embedded within HTML documents and Reber teaches accessing an HTML

document and executing a web browser, it would have been obvious to one of ordinary skill in

the art to combine the teachings of Reber and Kenney. Therefore, it would have been obvious to

achieve the limitations as described in claim 8.

Claims 20 and 25 are also rejected under 35 USC 103(a) since claims 20 and 25 contain

the same limitations as recited in claim 8.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

The following US Patents teach the state of the art in radio frequency tags and their

various uses including the use of embedded Internet addresses:

US Patent 6 150 921 to Werb et al;

US Patent 6 400 272 to Holtzman et al;

US Patent 5 910 776 to Black;

US Patent 6 177 860 to Cromer et al;

US Patent 6 259 367 to Klein.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to George Neurauter whose telephone number is 703-305-4565.

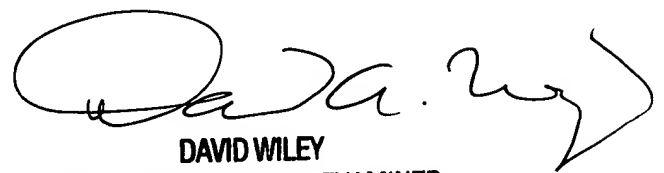The examiner can normally be reached on Mon-Fri 8am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular

communications and 703-746-7238 for After Final communications.

       Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-746-7240.

gcn
October 17, 2002

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100